

## IN THE CLAIMS

The following amendment is made to the claims 1 through 16 found in the Annex to the International Preliminary Report on Patentability.

### CLAIMS

1. (Original) A method between a communications device and a communications network, which communications network generally provides at least a direct cell access mechanism and an alternative cell access mechanism for the communications device for uplink access to the communications network, wherein the direct cell access mechanism is a mechanism enabling the communications device to directly start sending user data on a traffic channel, the method comprising:

determining by the communications network and indicating to the communications device whether the direct cell access mechanism can at a given time be provided.

2. (Original) A method according to claim 1, wherein in a situation in which the direct cell access can not be provided the method comprises:

indicating to the communications device that the alternative cell access mechanism should be used.

3. (Original) A method according to claim 2, wherein the alternative cell access mechanism comprises using a separate access channel for uplink access.

4. (Currently Amended) A method according to any preceding claim 1, wherein said indicating whether the direct cell access mechanism can be provided

comprises indicating whether the communications device can directly start sending user data on a traffic channel at a high data rate.

5. (Currently Amended) A method according to claim 4, wherein a radio interface between the mobile communications device (110) and the base station (120) is layered into protocol layers which form a protocol stack, and the traffic channel forms part of a logical traffic channel operating on a data link layer (Layer 2) of the protocol stack.

6. (Original) A method according to claim 5, wherein said indicating whether the communications device can directly start sending on a traffic channel is carried out on a network layer (Layer 3) of the protocol stack.

7. (Original) A method according to claim 1, wherein said indicating whether the direct cell access mechanism can be provided is performed by sending a broadcast message to a set of communications devices including the communications device of claim 1.

8. (Original) A method according to claim 7, wherein said broadcast message contains a parameter value further restricting the set of communications devices.

9. (Original) A method according to claim 1, wherein said indicating whether the direct cell access mechanism can be provided is performed by sending a multicast message to a limited set of communications devices including the communications device of claim 1.

10. (Original) A method according to claim 1, wherein said indicating whether the direct cell access mechanism can be provided is performed by sending a point-to-point message to the communications device.
11. (Currently Amended) A method according to ~~any of the claims 7 to 10~~, wherein said message conveys to the communications device a parameter value indicating whether the direct cell access mechanism is enabled.
12. (Currently Amended) A method according to ~~any preceding claim 1~~, wherein the communications network comprises a base station serving a cell of a mobile communications system, and wherein the method comprises:
  - performing traffic and/or radio measurements by the base station; and
  - determining by the base station whether the direct cell access mechanism can at a given time be provided on the basis of said measurements.
13. (Currently Amended) A communications device (110) configured for operation with a communications network, which communications network generally provides at least a direct cell access mechanism and an alternative cell access mechanism for the communications device (110) for uplink access to the communications network, wherein the direct cell access mechanism is a mechanism enabling the communications device to directly start sending user data on a traffic channel, the communications device (110) comprising:

means (RF, MCU, 515, SW) for receiving an indication sent by the communications network, the indication indicating to the communications device (110) whether the direct cell access mechanism can at a given time be provided.

14. (Currently Amended) A communications device (110) according to claim 13, wherein the communications device is a mobile hand-held device of a cellular communications network.

15. (Currently Amended) A base station (120) of a communications network, which communications network generally provides at least a direct cell access mechanism and an alternative cell access mechanism for a communications device (110) for uplink access to the communications network, wherein the direct cell access mechanism is a mechanism enabling the communications device to directly start sending user data on a traffic channel, the base station (120) comprising:

means (420, 425, 440) for determining and indicating to the communications device (110) whether the direct cell access mechanism can at a given time be provided.

16. (Currently Amended) A system comprising a communications device (110) and a communications network, which communications network generally provides at least a direct cell access mechanism and an alternative cell access mechanism for the communications device (110) for uplink access to the communications network, wherein the direct cell access mechanism is a

mechanism enabling the communications device to directly start sending user data on a traffic channel, the communications network comprising:

means (420, 425, 440) for determining and indicating to the communications device (110) whether the direct cell access mechanism can at a given time be provided; and the communications device (110) comprising:

means (RF, MCU, 515, SW) for receiving said indication.